



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

**JEFFREY E. FARRELL**  
Assistant Attorney General  
General Litigation Division

PHONE: (512) 475-4271  
FAX: (512) 320-0667  
EMAIL: jeffrey.farrell@oag.texas.gov

October 19, 2021

The Honorable George C. Hanks, Jr.  
United States District Judge  
515 Rusk St., Room 5300  
Houston, Texas 77002

***Via E-File***

Re: Civil Action No. 4:21v-01356; *John Doe v. The University of Texas M.D. Anderson Cancer Center, et al.*; In the U.S. District Court for the Southern District of Texas, Houston Division: Request for Pre-Motion Conference

To the Honorable District Judge George C. Hanks, Jr.:

Pursuant to this Court's Procedure 6.B., the parties jointly file this request for a pre-motion conference and in support respectfully show:

Following the removal of this case to this Court and pursuant to the September 16, 2021 Docket Control Order [Dkt. 8], on October 8, 2021, Plaintiff filed an amended complaint in an effort to comply with federal court pleading form [Dkt. 9]. Upon review of the 97-page complaint and 289-page appendix, the parties have since conferred regarding certain pleading defects and/or deficiencies raised by Defendants. Very generally speaking, those issues include:

- Clarification of which claims are asserted against which defendants;
- Capacity of the 12 respective defendants to be sued on the various claims asserted;
- Certain immunity issues;
- Lack of pleading of factual *prima facie* elements on certain claims;
- The state or federal nature of certain claims;
- The cognizable nature of certain claims; and
- Available relief for the respective claims.

In a good faith effort to clarify the pleaded claims and to narrow the issues in dispute, the parties propose an agreed motion: (1) for leave to allow Plaintiff to amend his complaint in the next 30 days; and (2) for a corresponding extension of Defendants' current deadline to file any responsive pleading under Rule 12 to 30 days after the filing of Plaintiff's to-be-amended complaint.

While the parties acknowledge that there will certainly be disputes as to the pleaded claims following the requested amendment (*e.g.*, qualified immunity issues, possible sovereign immunity, standing/capacity, exhaustion, and/or 12(b)(6) issues), the proposed amendment will significantly reduce and limit those issues to be resolved by this Court.

The parties' request is not made for purposes of delay but for good cause shown to promote judicial efficiency and the interests of justice.

Respectfully,

/s/ Jeffrey E. Farrell  
Jeffrey E. Farrell  
Assistant Attorney General  
Texas Bar No. 00787453  
Federal Bar No. 16842

Attorney-in-Charge for Defendants

Agreed as to Form and Substance:

/s/ Eddie M. Krenek  
Eddie M. Krenek  
Texas Bar No. 11724980  
Federal Bar No. 10887

Attorney-in-Charge for Plaintiff